

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL CASE NO. 5:18-cr-00162-MR**

|                              |   |                     |
|------------------------------|---|---------------------|
| <b>MARCUS A. THORPE,</b>     | ) |                     |
|                              | ) |                     |
| <b>Plaintiff,</b>            | ) |                     |
|                              | ) |                     |
| <b>vs.</b>                   | ) | <b><u>ORDER</u></b> |
|                              | ) |                     |
| <b>ANITA GOWANS, et al.,</b> | ) |                     |
|                              | ) |                     |
| <b>Defendants.</b>           | ) |                     |
| _____                        | ) |                     |

**THIS MATTER** is before the Court *sua sponte*.

This matter is currently scheduled for a final pretrial conference on September 6, 2022, and for a jury trial commencing on September 7, 2022. On August 26, 2022, a Notice of Unsafe or Unhealthful Working Conditions (hereinafter "Notice") from the United States Department of Labor, Occupational Safety and Health Administration (hereinafter "OSHA"), was posted in the Courthouse. Even assuming that the unsafe condition is not as serious as may appear on the face of the Notice, the Court is concerned about the impact such a public notice would have on the pool of jurors

expected to enter the Courthouse, as well as on the safety of Court employees, the parties and the public.<sup>1</sup>

Accordingly, the Court finds that the case should be continued. The final pretrial conference and trial of this matter shall be reset at a later date.


**IT IS, THEREFORE, ORDERED** that the final pretrial conference currently scheduled for September 6, 2022 is **CANCELLED**, and the above-captioned case is hereby **CONTINUED** and shall be reset for trial at a later date.

**IT IS FURTHER ORDERED** that the Writ of Habeas Corpus Ad Testificandum [Doc. 79] entered on July 11, 2022, is hereby **WITHDRAWN**.

The Clerk is respectfully directed to send a copy of this Order to all parties; the U.S. Marshal; the Warden of the Marion Correctional Institution, 4201 Mail Service Center, Raleigh, NC 27699-4201; and Joyce Meadows, NCDPS Administrative Specialist for Writs, joyce.meadows@ncdps.gov.

**IT IS SO ORDERED.**

Signed: August 31, 2022

  
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Martin Reidinger  
Chief United States District Judge



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<sup>1</sup> The General Services Administration ("GSA") has advised the Court, by letter, that this OSHA Notice does not affect the occupancy of the building or the health and welfare of Federal employees or public visitors to the Courthouse.